

C. Remarks

The claims are 17-19, with claim 17 being the sole independent claim.

Claims 1-7 and 9-16 have been cancelled. New claims 17-19 have been added. Claim 17 is supported, for example, by cancelled claim 1 and the structures in Tables 1-1 through Table 1-15. Specifically, the structures in claim 17 are supported by, respectively, Example Compound Nos. 1, 2, 5, 6, 7, 10, 11, 33, 36-39, 55, 56 (Example 32), 57, 60, 71, 75, 76, 105, 454, 458, 472 (Example 7), 480, 503, 504, 511 (Example 31); 599, 677, 683, 684, 709, 717, 718, 748, 760, 770, 775, 780, 782, 783, 785, 786, 789, 795, 798 and 803-805. Claims 19 and 20 are based on cancelled claims 15 and 16. No new matter has been added. Reconsideration of the claims is expressly requested.

Claims 1-3, 7 and 9-16 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Claims 2 and 11-14 stand rejected under 35 U.S.C. § 112, first paragraph, as being allegedly not enabled. Claims 1-3, 7 and 9-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Since the rejected claims have been cancelled, the rejections are moot and should be withdrawn.

Claims 1-3, 7 and 9-16 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent Application Publication No. 2002/0121638 A1 (Grushin) or 2002/0019782 A1 (Igarashi). Since the rejected claims have been cancelled, these rejections are moot and should be withdrawn.

Applicants respectfully submit that the new claims are patentable over the art of record. Grushin is directed to Ir(III) complexes. Applicants note that while Grushin states in paragraph [0039] that substituents may be chosen from a variety of groups, there is

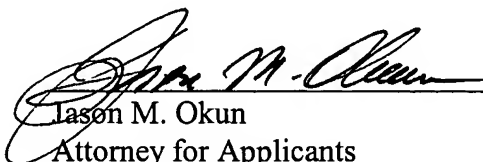
not teach specific presently claimed substituents and substitution patterns. Most importantly, considered as a whole, Grushin teaches that the carbocyclic and heterocyclic rings in the complexes have halogenated substituents. This can be clearly seen both in the specific structures in Grushin, as well as in the Summary of the Invention and the claims. None of the structures in new claim 17 have halogenated substituents taught to be needed by Grushin.

Igarashi, like Grushin, cannot affect the patentability of new claims 17-19. In particular, while Igarashi discloses numerous Ir(III) complexes, it fails to disclose or suggest compounds having the specific substitution as recited in claim 17.

Wherefore, Applicants respectfully request that the outstanding rejections be withdrawn and that the present case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Jason M. Okun
Attorney for Applicants
Registration No.: 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200